

**Conciliating in Unfair Dismissal Employment Tribunal Applications:  
does the timing of first contact with parties have an impact on the  
efficiency and effectiveness of the Acas Individual Conciliation  
Service**

**Southern Area Project**

**08/04**

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ORC International was commissioned to collate the data in the experimental exercise and to conduct the survey of customers involved in the cases on behalf of Acas. We are grateful to Acas operational staff who took part in the experiment and to the respondents who took the time to complete and return the postal questionnaire. The research project was managed by Margaret Fox, Senior Research Officer in Acas Research and Evaluation Section, who also drafted the final report.

## Executive Summary

This report presents the findings from a project designed to assess the impact of the timing of first contact with parties involved in unfair dismissal employment tribunal cases. Contact was made with parties either immediately after Acas received the application for a tribunal or after Acas received the response from the employer against whom the claim was made.

Two types of data were collected: one set of data was collected by conciliators participating in the project and another was collected via a survey of the parties involved in cases which were allocated to the project. The findings from the former will be presented in part one of the report and the findings from the latter will be presented in part 2.

### Part I

- The research project evaluated the impact of the timing of contact with customers involved in unfair dismissal cases in the Acas Southern Area, examining the effectiveness and efficiency of the Acas Individual Conciliation Service using two different styles of caseload management.
  - A total of 316 cases were used in the study. In just over half of these (52 per cent) contact was made with customers soon after the Employment Tribunal application (known as an IT1 form) was received at Acas (165), and in the remaining 48 per cent of cases contact was made after the receipt of the employer's response (known as the IT3 form) (151).
  - Timing of first contact with customers had very little impact on the final outcome of the case. Almost equal proportions of cases in both groups were either settled (62 per cent average), withdrawn (27 per cent average), or decided at a full tribunal hearing (12 per cent average).
  - On average, cases were resolved 18 days earlier when contact was made soon after the receipt of the IT1 compared to when contact was made after the receipt of the IT3; cases were settled on average 21 days earlier; were withdrawn 13 days earlier; and reached an employment tribunal hearing 6 days earlier.
  - Where contact was made soon after receipt of the IT1 compared to after the receipt of the IT3, a hearing date was far less likely to have been set.
  - The original position of applicants and employers varied depending on the timing of first contact. Employers and applicants were far more likely to be interested in a conciliated settlement when contact was made after the receipt of the IT3 than they were when contact was made soon after the receipt of the IT1.
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## Part II

- The aim of the survey was to assess whether there was any difference in customer's levels of satisfaction with the Acas conciliation service depending on when contact was first made with them after an application was made for an employment tribunal under the jurisdiction of unfair dismissal.
  - Conciliators were divided into two groups and asked to make contact with parties or their representatives either immediately after the application (or the IT1) was received at Acas or to wait until a response from the employer (IT3) had been received.
  - 213 customers out of 406 responded to the survey (52%). The IT3 group had a greater proportion of representatives than the IT1 start group. The IT1 start group had a greater proportion of unrepresented applicants than the IT3 start group
  - Representatives in the IT1 start group were less experienced in dealing with ET cases than those in the IT3 start group
  - The majority of customers in each group were involved in claims which had been brought against small organisations in the private sector. The most common role of unrepresented employers was a HR or personnel manager. Employer representatives were most commonly solicitors, while the majority of applicant's representatives were Trade Union Officers.
  - There was very little difference in the outcome of the cases in each group, with around three fifths of cases being settled via Acas conciliation, one third being withdrawn and four per cent proceeding to a full hearing.
  - Levels of satisfaction with the outcome were similar among customers in each group, with around 8 in 10 reporting that they were satisfied and less than 1 in 10 reporting that they were dissatisfied with the service they received overall.
  - The majority of customer reported that the conciliator had initiated contact with them. This was less likely to be the case with customers from the IT1 start group, where a significantly higher proportion than those in the IT3 start group reported making contact with the conciliator (28 per cent compared to 19 per cent respectively).
  - When asked about the timing of first contact, the vast majority of customers reported that it was just right (95 per cent); a small minority of the IT1 start group of customers reported that contact was made too soon and a small minority of customer from the IT3 start group stated that contact was made too late (around 5 per cent in each group)
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- The vast majority of customers in both groups reported that conciliators were either usually (69 per cent) or always (26%) available when they tried to contact them.
  - The majority of customers in each group rated the conciliator as very good or good at outlining the law, explaining the tribunal procedures, passing messages, proposals and offers to and from the employers side, helping them understand the strengths and weakness of the case, and to think through their option, and to consider the pros and cons of settling the case without going to tribunal.
  - The vast majority of customers in both groups agreed that the conciliator was prepared to listen and understood the circumstances of the case. A higher proportion of customers in the IT1 start group, compared to those in the IT3 start group reported that the conciliator had tried too hard to persuade them to settle the case (19 per cent compared to 4 per cent respectively)
  - Customers from the IT1 start group were more likely than those from the IT3 start group to report that Acas involvement had helped speed up the resolution of the case and had brought parties closer toward reaching a resolution. However, customers in the IT3 start group were more likely than those in the IT1 start group to report that Acas involvement had a direct influence on the outcome of the case.
  - Customers in each group reported similar levels of satisfaction with the overall service they received from Acas.
  - The conclusions drawn from the findings of the survey are that making first contact soon after the receipt of the IT1 compared to waiting for the response from the employer can raise unrepresented parties' levels of satisfaction with the service to that of representatives, and makes conciliation more effective in terms of speeding up the resolution of the case and bringing parties closer towards resolving the case.
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## **1 Introduction**

### **1.1**

This project aimed to identify and evaluate the impact of the timing of contact with customers involved in unfair dismissal cases in the Southern area.

### **1.2**

The project aimed to examine a new way of managing individual conciliation (IC) caseloads. Hitherto, IC cases dealt with in the Southern Area office were allocated to Acas conciliators only after Acas received the response from the employer against whom the claim was made. Following on from a project to assess the impact of the timing of first contact in wages protection and breach of contract cases in Acas Scotland, it was decided to assess whether making first contact immediately after the receipt of the application (the IT1) would impact on the effectiveness and efficiency of the service provided in unfair dismissal cases. This report can be found at [http://10.99.1.12/Research/Pdf\\_docs/scottish\\_report.pdf](http://10.99.1.12/Research/Pdf_docs/scottish_report.pdf)

### **1.3**

The findings in this report are based on data collected by conciliators involved in the project and on feedback from a customer survey of all parties or representatives involved in the cases allocated to the project. The findings from the former are presented in part one and the findings from the latter are presented in part two.

## **2 Collection of data**

### **2.1**

The project began in May 2002 and the last forms were received in February 2003. By the close of the project 316 cases had been completed; these cases had been evenly allocated to the 10 conciliators who took part in project. Conciliators were split evenly into two groups:

- One group was asked to make contact with customers as soon as they received the Employment Tribunal application form (the IT1)
- The other group was asked to continue to manage their caseload in the usual way, contacting customers only after they had received the employer's response (the IT3).

### **2.2**

Conciliators were asked to keep a detailed record of the dates of all contacts and the amount of time spent dealing with customers using a 'record sheet' and a 'contact sheet'. They were also asked to assess and record the original position of the parties to the case and whether they had referred employers to an Acas Small Business Seminar. The data from the record sheets and contact sheets were entered into an electronic spreadsheet, categorised into two start groups and analysed using the Statistical Package for Social Scientists (SPSS).

The data were analysed to identify any differences in the:

- Outcome of the case
- Duration of the case
- Amount of time conciliators spent dealing with parties and representatives
- Likelihood of conciliators referring other Acas services such as Small Business Seminars
- Original positions of parties depending on the timing of first contact.

### **2.3**

Findings from the Scottish Project showed that parties involved in cases allocated to the IT3 start group were more likely than parties involved in cases allocated to the IT1 start group to appoint representatives, and that where representatives were involved the duration of the case was increased. Therefore conciliators were asked to record the details of the representatives involved in the cases allocated to the project.



## 2.4

Table A identifies the pattern of representation in cases within each group. In this project there were no significant differences in patterns of representation in cases in each group. Therefore, this factor does not need to be taken into account in the analysis.

**Table A: Patterns of representation within each group** (row per cent)

	<b>Both un-represented</b>	<b>Applicant un-represented / Employer represented</b>	<b>Applicant represented / Employer un-represented</b>	<b>Both represented</b>
IT1	14	24	14	48
IT3	15	17	18	50
<b>Total</b>	14	21	16	49

Base: 282

## 2.5

Conciliators were also asked to keep a record of the instances where customers initiated contact with Acas, as this was shown to have an impact on the outcome and duration of the case in the Scottish Project. In 13 per cent of the cases in each group the customer initiated contact. As there were equal proportions of customers initiating contact in each group the data from these cases were included in the analysis.

## 3 Outcome of the case

### 3.1

Table B identifies the outcomes of cases which were allocated to the IT1 start group and the IT3 start group

**Table B: Final outcome of cases in each group**

Percentage within each group (row %)

	<b>Settled</b>	<b>Withdrawn</b>	<b>ET Hearing</b>
IT1 start	63	28	10
IT3 start	61	26	13

Base: 287

### 3.2

As Table B shows, there was very little difference in the final outcome of cases depending on the timing of first contact. Almost equal proportions of cases were settled, withdrawn, and decided at a full Employment Tribunal hearing.

## 4 Duration of the case

### 4.1

Table C reveals that on the whole, cases were resolved quicker when first contact was made soon after the receipt of the IT1 rather than after the receipt of the IT3. On average, cases allocated to the IT1 start group were resolved within 108 days compared to an average of 126 days for those allocated to the IT3 start group. On average cases were settled 21 days earlier; withdrawn 13 days earlier and decided at an ET hearing 6 days earlier when contact was made soon after the receipt of the IT1 compared to when contact was made after the receipt of the IT3.

**Table C: Mean average number of days for resolving case**

	<b>Settled</b>	<b>Withdrawn</b>	<b>ET Hearing</b>	<b>Average overall</b>
IT1	105	110	125	108
IT3	126	123	131	126
Average overall	115	116	128	117

Base: 277

### 4.2

The most important factor about the duration of the case is the stage at which the case is resolved in relation to the hearing date. Arguably, the larger the gap between the hearing date and the date at which a case is resolved the lower the costs of the case to the ETS and to the Treasury. Further savings can be made if the case is resolved before a hearing date is set. Table D shows that cases allocated to the IT1 start group were far more likely than those allocated to the IT3 start to be resolved before a hearing date was set (31 per cent compared to only 19 per cent respectively).

**Table D: The period in which the case was resolved before the hearing (grouped by number of days)**

Percentage within each group (row %)

		Number of days before the hearing					
	Resolved before hearing date is set	Under 7 days	8-14	15-21	22-31	32-60	61+
IT1	31	42	11	4	5	4	2
IT3	19	48	10	8	3	6	6

Base: 126

#### 4.3

Cases resolved within a week of the tribunal can incur almost as much costs as those which are resolved at tribunal. On average, 45 per cent of cases were resolved within one week of the hearing; cases allocated to the IT3 start group were more likely than those allocated to the IT1 start group to be resolved within 7 days of the hearing.

## 5 Time spent dealing with customers

### 5.1

The efficiency of the IC service can be measured in terms of the amount of time Acas conciliators spend dealing with cases. In this project conciliators were asked to record the amount of time they spent in direct contact with parties and representatives. The findings are presented in Table E.

**Table E: Average number of minutes in contact with customers and average number of contacts required to deal with a case within each group**

	<b>Average number of minutes in contact with customers</b>	<b>Number of contacts</b>	<b>Base</b>
IT1	97 (average minutes)	24	165
IT3	107 (average minutes)	24	148
Total	102 (average minutes)	24	313

### 5.2

Table E shows that on average conciliators are in direct contact with Customers for 102 minutes. Conciliators in the IT1 start group spent on average 97 minutes with each customer, whereas those in the IT3 start group spent on average an extra 10 minutes with each customer (107 minutes).

## 6 Original position of parties

### 6.1

The efficacy of conciliation can be affected by the original position of customers. It is possible that the original position of customers may differ depending on the timing of first contact. Therefore conciliators were asked to assess the attitudes of customers when they first initiated contact. Table F displays the original position of applicants and employers involved in cases in each group.

**Table F: Original position of applicants and employers** (column per cent)

Positive outcomes	Applicant's original position			Employer's original position		
	IT1	IT3	Total	IT1	IT3	Total
Interested in a conciliated settlement	45	57	51	26	41	33
Interested, but not optimistic about a settlement	16	12	14	10	10	10
Happy to talk but without commitment	7	7	7	12	10	11
Prepared to settle on specific terms	4	3	3	2	4	3
Prepared to settle on reasonable terms	4	3	3	7	2	5
Wanted to withdraw the application	2	1	1	1	1	1

Negative Outcomes	Applicant's original position			Employer's original position		
	IT1	IT3	Total	IT1	IT3	Total
Other	10	14	12	25	20	23
Refused to disclose position	3	2	3%	7	1	4
Waiting for response from other side	4	3	3%	1	2	1
Representative awaiting instruction from the party	3	3	3%	7	7	7
Confused	2	1	1%	1	0	1
Did not want any further contact	0	0	0%	1	2	1

Base: 312 applicants; 310 employers

## 6.2

Table F identifies some interesting differences in the positions of both parties, depending on whether contact was initiated soon after the receipt of the IT1 compared to where contact was made after receipt of the IT3. According to conciliators, employers involved in cases allocated to the IT3 start group were more interested in a conciliated settlement than those involved in cases allocated to the IT1 start group (41 per cent compared to 26 per cent). This difference was also evident amongst applicants. Where contact was initiated soon after the IT1 was received 45 per cent of applicants were interested in a conciliated settlement compared to 57 per cent of those in cases where contact was initiated after the receipt of the IT3.

## 7 Referrals to employers' workshops

In the Scottish Project it was found that conciliators making contact with customers involved in wages protection and breach of contract cases soon after the IT1 was received were more likely than those making contact after the IT3 was received to refer employers to other advisory services, such as Small Business Seminars. Therefore this project aimed to assess whether this would be the case in unfair dismissal cases. Overall, it was found that employers were referred to Acas Small Business Seminar in three per cent of the cases in this project. Unlike the Scottish Project, there were no statistically significant differences depending on the timing of first contact.

**Table G: Referrals to employers' workshops** (row per cent)

	<b>Referrals - Did the employer agree to attend an Employers' Workshop?</b>	
	<b>Yes</b>	<b>No</b>
IT1	2	98
IT3	5	95
<b>Total</b>	<b>3</b>	<b>97</b>

Base: 201

## **8 Conclusions based on data collected by conciliators in the experimental groups**

The research aimed to evaluate the impact of the timing of contact with customers involved in unfair dismissal cases in the Acas Southern Area. The findings have highlighted that some benefits were gained by making contact soon after the receipt of the IT1 in terms of resolving the case sooner, and in particular before a hearing date was set, thus gaining savings to the ETS and the Treasury. Also, it would seem that making contact soon after the receipt of the IT1 made savings in terms of time conciliators spent in direct contact with customers. Although it was found that customers were more willing to consider settling the case in the first instance if contact was made after the receipt of the IT3 compared to where contact was made soon after the receipt of the IT1, the timing of first contact made very little difference to the outcome of the case, with parties resolving the dispute without recourse to a tribunal in just as many cases when contact was made after receipt of the IT1 as those in cases where contact was made after the receipt of the IT3.



## Part II

### Survey of Parties and Representatives involved in cases allocated to the Southern Area Project

#### 2.1 Introduction

ACAS commissioned ORC International to undertake a postal customer satisfaction survey of parties, or their representatives, involved in unfair dismissal claims which allocated to conciliators who had taken part in the project. The aim of the survey was to assess whether there was any difference in levels of satisfaction depending on when contact was first made.

Postal questionnaires were mailed in batches during August – November 2002. In order to increase response rates each questionnaire was accompanied by a covering letter signed by the Head of Programmes Directorate. A pre-paid envelope was also included – addressed to ORC International's office in London. Those who did not respond were followed up with two reminders.

For each case two questionnaires were sent out:

- On the applicant side: if the applicant appointed a representative then the questionnaire was sent to that representative, otherwise it went direct to the applicant; and
- On the employer side: to the employer's representative if one was appointed, otherwise direct to the employer.

Completed questionnaires were stamped with a unique identification number as they were returned to ORC International. Data were taken from each questionnaire and keyed into SPSS (statistical package for social scientists) to enable effective analysis. The data were then divided into the two start groups for analysis; those who were contacted soon after Acas received the application were placed in the IT1 start group and those who were contacted after the employer had returned the response to Acas were placed in the IT3 start group.

When conducting analysis of the data a statistical test was applied in order to check for statistical significance. This aimed to determine whether observed differences between customers in the IT1 start group and customers in the IT3 start group could have occurred by chance. Where there is a low probability of findings being the result of chance, a difference is said to be 'statistically significant'.

## 2.2 Response rates

Table 1 below shows the total number of questionnaires mailed and the number of completed surveys received. It shows that a total of 406 customers were sent a questionnaire and 213 responses were received – giving an overall response rate of 52 per cent. This response rate was similar for customers involved in cases in both groups.

**Table 1: Total mailed and received questionnaires**

	IT1	IT3	TOTAL
<b>Sent</b>	224	182	<b>406</b>
<b>Received</b>	118	95	<b>213</b>
<b>Response rate</b>	53% per	52%	<b>52% per</b>

However, as Table 2 shows the response rate varied between customers of different types. The response rate was lower than might be expected for unrepresented applicants involved in cases allocated to the IT1 start group and for employer's representative involved in cases allocated to the IT3 start group. Yet the response rate is higher for employer representatives allocated to the IT3 start group.

**Table 2: Mailed and received questionnaires, by type**

	Applicants		Applicant Reps		Employers		Employer Reps	
	IT1	IT3	IT1	IT3	IT1	IT3	IT1	IT3
<b>Sent</b>	46	26	71	66	36	30	71	60
<b>Received</b>	23	8	42	33	21	16	32	38
<b>Response rate</b>	50 %	31 % cent	59 % cent	50% %cent	58% %%ce	53 % cent	45% cent	63 % cent

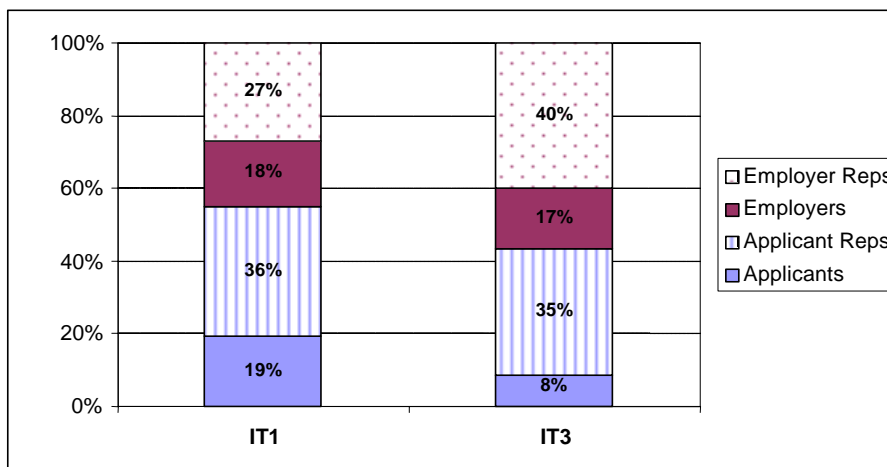
## 2.3 Profile of customers Responding to the Survey

This chapter outlines the profile of the customers in each group (IT1 and IT3 start groups respectively). This is background information to contextualise the detailed findings presented in Chapter 3. It is important to understand the profile of the customers in order to assess the significance of differences between the two groups.

## 2.4 Types of respondents

Figure 1 shows the profile of customers in the IT1 and IT3 start groups respectively. It is notable that the IT3 group comprises a higher proportion of customers from the employer side than the IT1 group: 57 per cent compared with 47 per cent. Furthermore, greater shares of the IT3 start group of customers are representatives acting on behalf of the applicant or employer: 75 per cent of the IT3 group compared with 63 per cent of IT1 group of customers. This is an important factor to bear in mind when interpreting the findings of the survey as previous research has shown that representatives give more positive feedback than unrepresented parties about the service they receive from Acas.

**Figure 1: Profile of customers involved in the IT1 and IT3 start groups**



Customers were asked a series of demographic background questions. Some were specific to the type of customer (applicant, employer, representative), whilst some were asked of all customers. The findings from these questions are below.

## 2.5 Representatives

Representatives who completed a questionnaire were asked which title best described them. The most commonly mentioned titles were Trade Union Officer (42 per cent) and Solicitor/Lawyer/Barrister (31 per cent).

Notably, three-quarters (75 per cent) of all applicant representatives identified themselves as Trade Union Officers. Also, as Table 3 shows Trade Union Officers were far more likely to be acting on behalf of customers in the IT3 start group than customers in the IT1 start group (49 per cent compared to 35 per cent respectively). The majority of employer representatives were solicitor/lawyer/barristers (59 per cent).

**Table 3: Representative's title**

	IT1 per cent	IT3 per cent
Trade union officer	35	49
Solicitor / lawyer / barrister	30	32
Free Representation Unit	3	-
CAB worker	9	6
Welfare rights worker	14	4
Friend of the applicant	5	1
Employment consultant	3	3
Other	1	4
Base: representatives	74	69

Representatives were also asked how many tribunal claims they had dealt with in the last year. Overall, there was an even distribution of representatives who had dealt with 2-10 (27 per cent), 11-25 (27 per cent), and 26-50 claims (26 per cent). Table 4 shows a notable difference in the amount of experiences representatives in each group have in dealing with employment tribunals cases. Representatives in the IT3 start group report significantly more experience than those in the IT1 start group: just 39 per cent of representatives in the IT1 start group had dealt with more than 25 cases in the last twelve months, compared with 49 per cent of those in the IT3 start group.

**Table 4: Number of employment tribunal claims dealt with in the last year**

	IT1 per cent	IT3 per cent	Overall per cent
Only 1	3	3	3
2 – 10	32	20	27
11 – 25	26	28	27
26 – 50	19	33	26
More than 50	20	16	18
Base: representatives	74	69	143

Additionally, representatives were asked how long they had been dealing with employment tribunal claims. More than half of the representatives in each group had been dealing with claims for more than 5 years (Table 5).

**Table 5: Length of time representative has been dealing with employment tribunal claims**

	IT1 per cent	IT3 per cent
1 year or less	3	7
2 – 5 years	39	38
More than 5 years	58	55
Base: representatives	72	69

## **2.6 Employing organisations**

The following questions were asked only of the applicants and employers and were intended to gain a basic understanding of the types of organisations against which these unfair dismissal claims were brought.

**Table 6: Characteristics of the organisation**

	<b>IT1 Start Group</b>	<b>IT3 Start Group</b>
<b>Size of organisation</b>		
Small 250 or less	55	50
Medium 251-500	9	12
Large over 500	36	38
<b>Sector</b>		
Private	74	79
Public	7	17
Voluntary	5	0
Other	14	4
<b>Employer's role</b>		
Owner	5	6
Human Resource / Personnel Manager	52	44
Director	20	13
Line Manager	5	12
Other	19	25

Table 6 shows that:

- The majority of organisations were small, employing less than 250 (around a half of the cases in each group), but a significant minority of organisation were large employing over 500 workers (over a third of cases in each group).
- Around three-quarters of the organizations in each group were in the private sector.
- The most common role of employers in each group was human resources/personnel manager (49 per cent overall).

Customers were also asked if the employer involved in the claim had written procedures for dealing with discipline and dismissal. Overall, 77 per cent of customers reported that the organisation involved did have written procedures. Of those customers, only 57 per cent reported that the procedures were used in this case. Customers on the applicant's side were far less likely than those on the employer's side, to report that procedures were used in this case (35 per cent compared to 75 per cent respectively).

## **2.7 Background to the claims**

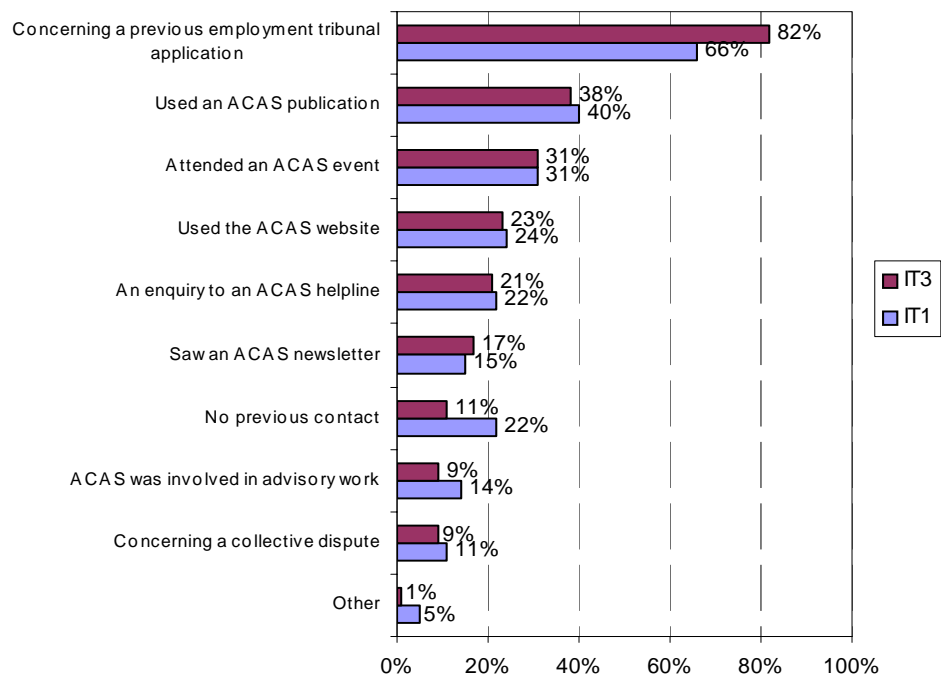
Customers were asked a series of questions about the events that led to submitting a claim with the Employment Tribunal. In almost three-quarters (74 per cent) of cases the applicant was dismissed, 17 per cent of the applicants resigned, and the remaining 9 per cent reported that neither happened. There were no significant differences when comparing customers in the IT1 start group with those in the IT3 start.

Customers were also asked how long the applicant had been working for the organization prior to employment being terminated. In all, 94 per cent of applicants were with the organization for 12 months or more. There was no difference in length of employment between customers in the IT1 start group and those in the IT3 start group.

## **2.8 Previous involvement with ACAS**

Customers were asked if they had any contact with ACAS prior to this case. In all, 83 per cent of customers had previously had some form of contact with ACAS. Of those who had had contact with ACAS, a previous employment tribunal, using an ACAS publication, and attending an ACAS event were the most commonly cited. Two significant differences occur between customers in the IT1 start group and those in the IT3 start group when looking at previous contact. Significantly more customers in the IT1 start group reported having no previous contact with ACAS, while customers in the IT3 start group are significantly more likely to report having contact with ACAS concerning a previous employment tribunal application. Figure 2 details the responses.

**Figure 2: Have you had any previous involvement with ACAS before this case?**



NOTE: Due to multiple responses, percentages may not add to 100 per cent

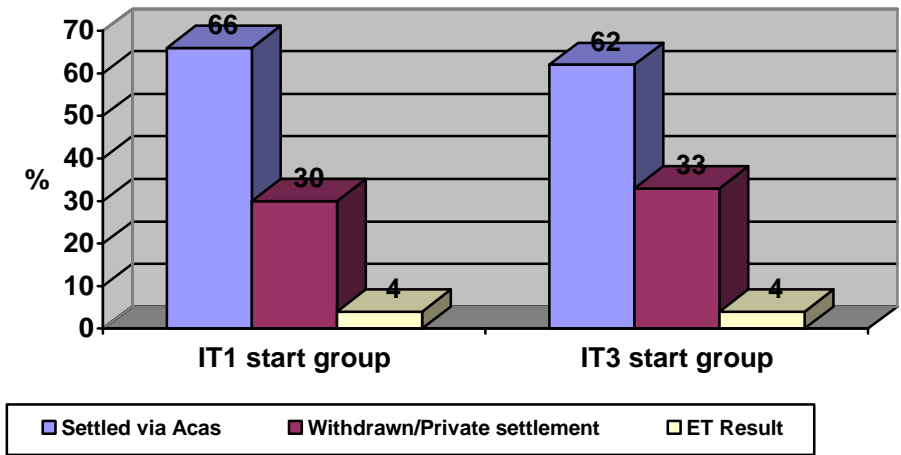
These findings are not surprising as the IT3 start group has a much bigger proportion of representatives than the IT1 start group and representatives are far more likely than unrepresented parties to have been involved in an employment tribunal case prior to the case included in the project.

## 2.9 Outcome of the Case

Customers were asked about the outcome of the case. Figure 3 shows that the most common outcome overall was that a settlement was agreed through ACAS. Whilst there were some differences between IT1 start group and IT3 start group of customers, none of these were statistically significant.

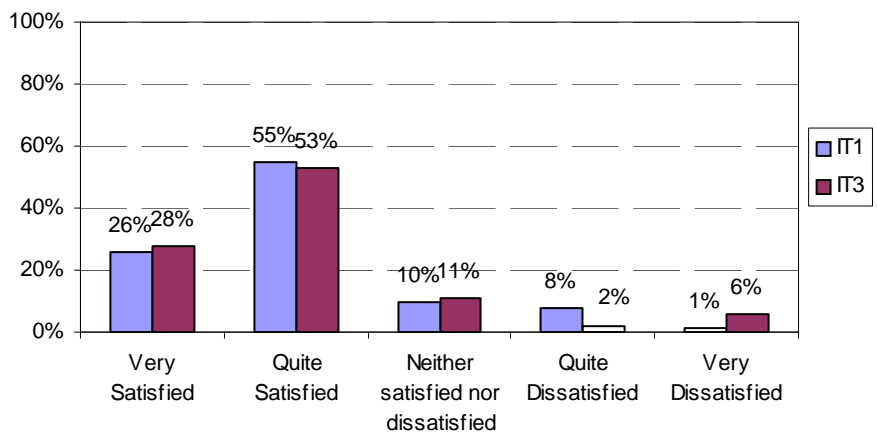


**Figure 3: Which of the following describes the final outcome of the case?**



NOTE: Due to multiple responses, percentages may not add to 100 per cent  
 In terms of their satisfaction with the outcome, 81 per cent of customers overall were satisfied with the outcome of their case. No significant differences exist when comparing responses from customers in the IT1 start group to those of customers in the IT3 start group (Figure 4).

**Figure 4: Were you satisfied with the outcome of your case?**



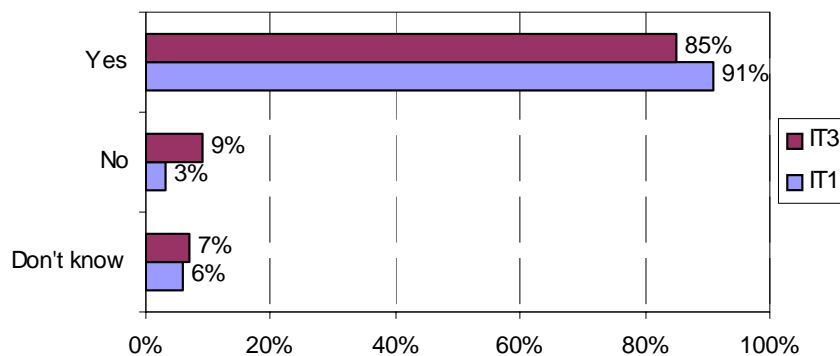
## 2.10 Detailed Findings

The following sections describe the detailed findings of the survey, comparing feedback from customers in the IT1 start group and the IT3 start group. Where differences are statistically significant, this is highlighted in the text.

## 2.11 Contact with ACAS

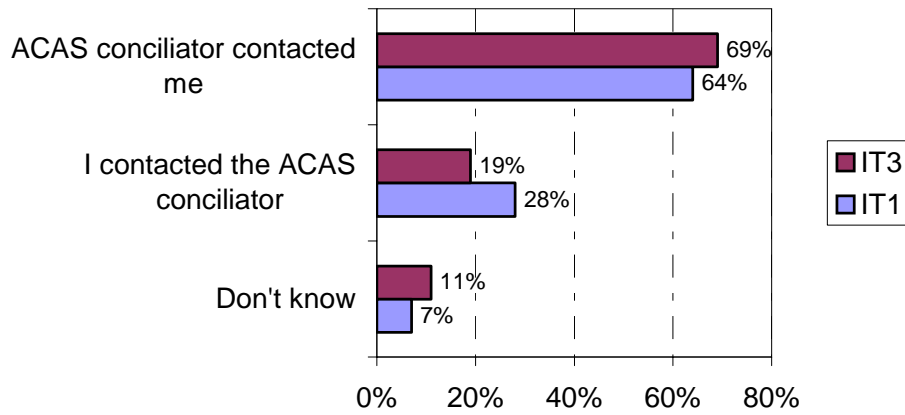
Customers were asked several questions regarding their contact with ACAS. In all, 88 per cent of the customers said they received a letter from ACAS explaining the conciliation process. Slightly, but not significantly, more customers in the IT3 start group reported that they received a letter from ACAS.

**Figure 5: Did you receive a letter from ACAS explaining the conciliation service?**



Around two-thirds reported that the first voice contact with ACAS had been initiated by the ACAS conciliator. Whilst ACAS had initiated contact with 64 per cent of customers in the IT1 start group, this was the experience for 69 per cent of customers in the IT3 start group. One possible explanation for this finding might be that unrepresented applicants are more likely than other types of customers to initiate contact with Acas, and applicants comprise a much larger proportion of the It1 Start group than the IT3 Start group.

**Figure 6: Who made the first voice contact between you and ACAS?**

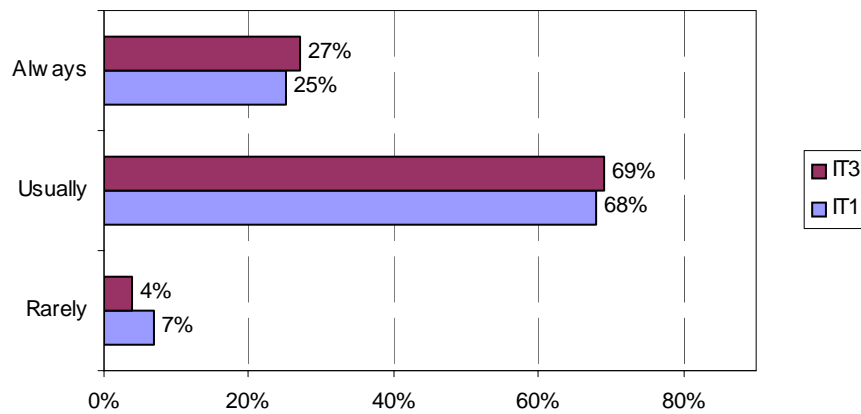


Customers who were contacted by the ACAS conciliator were asked about the appropriateness of the timing. Almost all (95 per cent) felt the timing was about right. Unsurprisingly customers in the IT1 start group were more likely to say contact was made too soon, while those in IT3 start group were likely to report, that contact was made too late.

## 2.12 Availability of the ACAS conciliator

Customers were also asked if they felt the ACAS conciliator was available when needed as the case proceeded. More than two-thirds (69 per cent) of all customers felt that ACAS conciliators were “usually” available, 26 per cent felt they were “always” available and 5 per cent felt the conciliators were “rarely” available. There was very little difference between IT1 and IT3 customers.

**Figure 7: As the case proceeded, was an ACAS conciliator available when needed?**

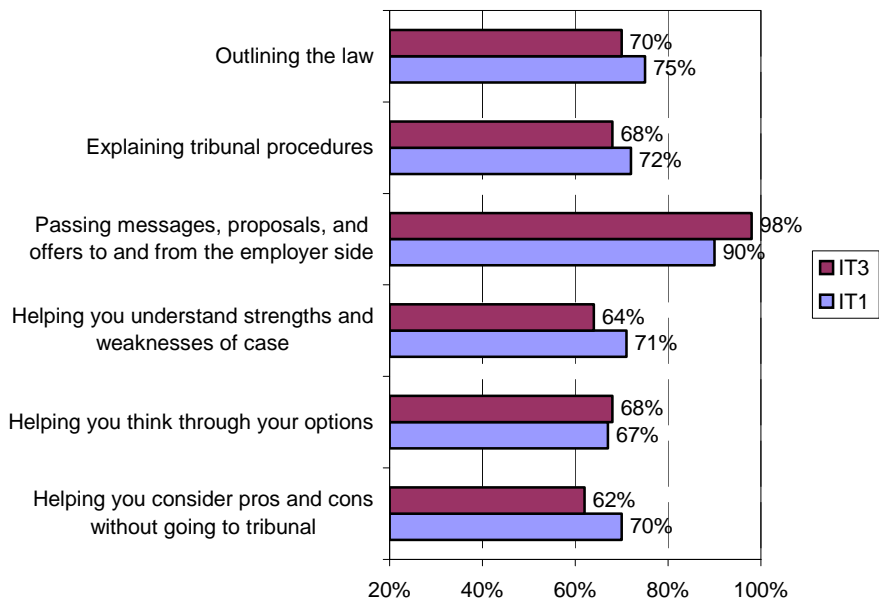


### 2.13 Helpfulness of the ACAS conciliator

Customers were asked a range of questions concerning the helpfulness of the conciliator. Overall, customers were most satisfied with the conciliator passing messages, proposals, and offers to and from the employer side (94 per cent) and outlining the law (73 per cent). A smaller proportion of customers were satisfied with the conciliator helping them consider the pros and the cons of settling the case without going to tribunal (67 per cent) and the conciliator helping them think through their options (68 per cent). As Figure 8 shows there were very minor differences in opinions of customers in each group, with customers in the IT1 start group being slightly more positive across all functions except the passing of messages and proposals between parties, where customers in the IT3 start group rated their conciliator more positively.

**Figure 8: How would you rate the ACAS conciliator in terms of the following?**

(Per cent rating “Good” or “Very good”)

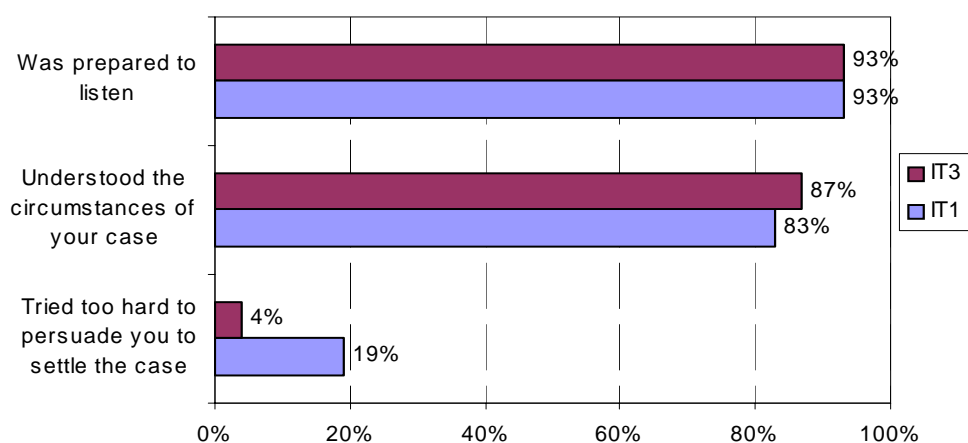


### 2.12 Behaviour of the ACAS conciliator

Customers were also asked to what extent they agreed or disagreed with certain aspects of the conciliator’s behaviour throughout the process. Customers reported the highest agreement with the statement that the conciliator was prepared to listen (93 per cent). They were the least likely to agree that the conciliator tried too hard to persuade them to settle the case (12 per cent).

This varied according to the timing of first contact. Customers in the IT1 start group were more likely than those in the IT3 start group to report that the conciliator tried too hard to persuade them to settle the case (19 per cent of customers in the IT1 start group compare to 4 per cent of customers in the IT3 start group). This difference was statistically significant.

**Figure 9: Did you feel that the ACAS conciliator? (Per cent “Agree” or “Strongly agree”)**

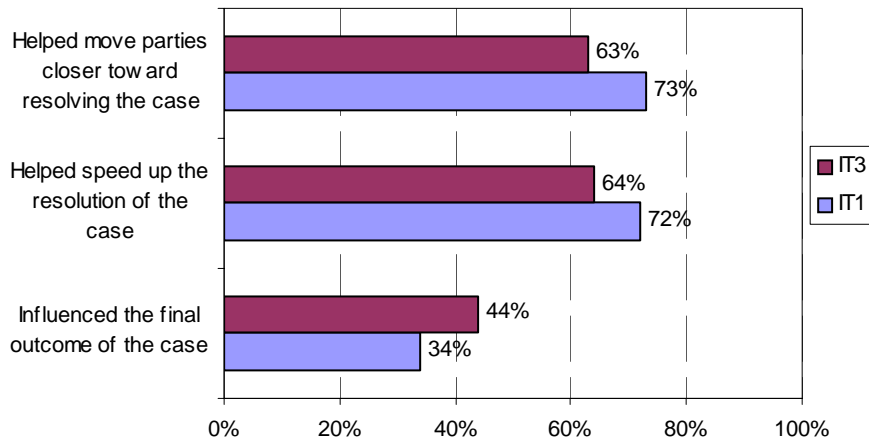


### 2.13 ACAS involvement

Customers were asked how strongly they agreed or disagreed with several statements regarding the involvement of ACAS in resolving the case. Overall, the majority of customers equally agreed that ACAS helped speed up the resolution of the case (68 per cent) and helped move parties closer towards resolving the case (69 per cent). Customers were much less likely to agree that ACAS influenced the final outcome of the case (38 per cent).

Customers in the IT1 start group were more likely than those in the IT3 start group to agree that ACAS helped speed up the resolution of the case and that ACAS helped move parties closer toward resolving the case. However, customers in the IT3 start group were more likely than those in the IT1 start group to agree that ACAS influenced the final outcome of the case. It should be noted that due to the small sample sizes none of these differences were statistically significant (Figure 10).

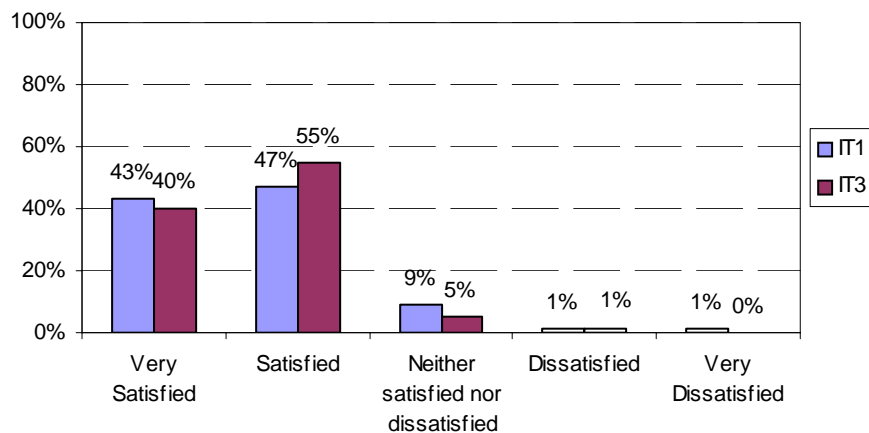
**Figure 10: To what extent do you agree or disagree with the following statements? ACAS involvement: (Per cent "Agree" or "Strongly agree")**



#### 2.14 Overall satisfaction with ACAS

When asked their overall satisfaction with the service they received from ACAS, 92 per cent of customers said they were either "satisfied" or "very satisfied". Customers in the IT3 start group were slightly, but not significantly, more satisfied with ACAS overall (95 per cent for IT3, 90 per cent for IT1). Very few customers in both groups reported feeling dissatisfied with the service.

**Figure 11: Overall, how satisfied or dissatisfied were you with the service you received from ACAS in the case?**



NOTE: Due to rounding, percentages may not add to 100 per cent

Interestingly, when overall satisfaction is analysed by whether the customer made the first voice contact with ACAS, a significant difference does exist. Individuals who said ACAS contacted them first are significantly more satisfied (96 per cent) than those who said they were the first to make voice contact with ACAS (82 per cent). Also, employers were significantly more likely than applicants, to report being satisfied with ACAS overall (97 per cent compared with 80 per cent).



## **2.15 Conclusions from the customer survey**

The timing of the first contact project aimed to assess whether there were any differences in terms of efficiency and effectiveness of the Acas conciliation service in unfair dismissal cases depending upon when first contact is made. It looked at the outcome and the duration of the case and customer satisfaction with the service they received. This section of the report has presented the customer feedback from a survey of all customers involved in the unfair dismissal cases which were handled by Acas conciliators who took part in this pilot.

The findings from the customer feedback survey have shown that the customers involved in these cases were overwhelmingly positive about the service they received. The vast majority of customers in each group were satisfied with the service they received overall, and over two thirds reported that Acas involvement speeded up the resolution of the case and brought parties closer toward reaching a resolution to the dispute.

Given the composition of each group, it is surprising that there is very little difference in the levels of satisfaction reported by customers involved in cases in each of the groups. As mentioned earlier, representatives are generally more positive than unrepresented parties. It might therefore be expected that customers in the IT3 start group, which comprised a much larger proportion of representatives, would be significantly more positive than those in the IT1 start group, which comprised a much larger proportion of unrepresented parties. Furthermore, the findings also suggest that customers in the IT1 start group were more likely than those in the IT3 start group to perceive Acas involvement as being more effective in speeding up the resolution of the case and bringing parties closer towards reaching a resolution.

An unsurprising finding was that a small minority of customers in the IT1 start group felt that the timing of contact was too soon and the same proportion of the IT3 start group felt the timing of contact was too late. Customers in the IT1 start group were significantly more likely than those in the IT3 start group to state that the conciliator tried too hard to persuade them to settle the case, yet they were less likely to state that Acas involvement had a direct influence on the final outcome of the case.

These findings suggest that the timing of first contact with customers in unfair dismissal cases can have an impact on their levels of satisfaction with the service, bringing unrepresented parties' ratings up to the same level as those of representatives when contact is made soon after the IT1 is received at Acas. It is also possible that customers are more likely to perceive Acas involvement as more effective when contact is made at a very early stage in the conciliation process.

## Appendix A – Summary of differences in feedback from customers in the IT1 and IT3 start groups

<b>IT1 – contacted as soon as application received</b>	<b>IT3 – contacted once employer had submitted a response to ACAS</b>	<b>Percentage points difference in response</b>	<b>Statistically significant difference?</b>
	More likely to report previous contact with ACAS concerning an employment tribunal	+/- 16 per cent	
More likely to state the ACAS conciliator made first voice contact		+/- 5 per cent	
More likely to report first contact from ACAS being too <i>soon</i>	More likely to report first contact from ACAS being too <i>late</i>		
	More report having received a letter from ACAS explaining the conciliation service	+/- 6 per cent	
More likely to report the conciliator discussed the Arbitration Scheme with them		+/- 7 per cent	
	More satisfied with the conciliator passing messages, proposals and offers to/from the employer side	+/- 8 per cent	
More satisfied with most aspects of conciliator helpfulness		+/- 4 per cent to +/- 8 per cent (various aspects)	
More likely to think ACAS helped speed up resolution of the case		+/- 8 per cent	
More likely to think ACAS helped move parties closer towards resolving the case		+/- 10 per cent	
More likely to think ACAS tried too hard to persuade them to settle the case		+/- 15 per cent	

More likely to use the Arbitration Scheme in the future		+/- 18 per cent	
	More satisfied with the service from ACAS overall	+/- 5 per cent	